

BURNS LAW FIRM

222 SOUTH 72ND STREET
SUITE 302
OMAHA, NEBRASKA 68114

EXHIBIT #5

CITY OF COUNCIL BLUFFS
PUBLIC WORKS FACILITY

JOHN M. BURNS*
BILL M. LAMSON*

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*ALSO ADMITTED IN IOWA

July 23, 2009

Greg Reeder
Public Works Department
City of Council Bluffs
209 Pearl Street
Council Bluffs IA 51501

RE: Title Report – Certain Lots in Block 34, Block 35 and Block 36
in Riddles Subdivision of the City of Council Bluffs, Pottawattamie Co., IA

Dear Greg:

Abstract Guaranty Company, pursuant to a request from the City of Council Bluffs, has examined the public records of the Pottawattamie County Recorder at the Courthouse in Council Bluffs, IA. They have produced a Report of Title dated July 17, 2009 at 8:00 a.m.

They examined the record regarding the following real estate:

Lots 9 through 14, inclusive, in Block 35, and that part of South 11th Street extending from the South line of 10th Avenue to the North line of 11th Avenue adjoining Lots 9 through 14, in Block 35, Riddles Subdivision to the City of Council Bluffs, Pottawattamie County, Iowa, including all vacated alleys, and Lots 1 through 16, inclusive, including all vacated alleys, in Block 36, Riddles Subdivision to the City of Council Bluffs, Pottawattamie County, Iowa.

AND

Lots 1, 2, 3, 4, 5 and 6, together with the adjoining West eight feet of South 9th Street along Lots 4, 5 and 6; Lot 7, and the vacated alley adjoining Lot 7 along the East; Lot 8 and the vacated alley adjoining Lot 8 along the West; Lots 9, 10 and 11, and the adjoining East 33 feet of vacated South 10th Street along Lots 9, 10 and 11; and Lots 12, 13, 14, 15 and 16; all in Block 34 of Riddle's Subdivision; Lots 1 through 8, inclusive and Lots 15 and 16, all in Block 35, Riddle's Subdivision; in the City of Council Bluffs, Pottawattamie County, Iowa.

At to your request, I have examined this Report of Title and determined that the fee simple interest of the real estate described above was conveyed to the City of Council Bluffs by Warranty Deed from the previous owners. One parcel was conveyed on January 31, 2007, and the other

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parcel was conveyed on January 31, 2007. Both Warranty Deeds have been filed for record with the Pottawattamie County Recorder's Office.

Judgments, Liens, Encumbrances: NONE

Therefore, based upon the information provided to me, the City of Council Bluffs, Iowa, is the owner of the fee simple in the above-described real estate free and clear of any encumbrances.

Dated this 23rd day of July, 2009.

Sincerely,

John M. Burns

JMB:cjl
cc: Dick Wade